

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/19/2021
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UNITED STATES OF AMERICA

Plaintiff,

-v-

TYRONE BARNES.,

Defendant.

09-cr-1053 (LJL)

OPINION AND ORDER

LEWIS J. LIMAN, United States District Judge:

Defendant Tyrone Barnes moves for reconsideration of this Court's order denying his petition for compassionate release. Dkt. No. 85. The motion is denied.

"Reconsideration of a court's previous order is an extraordinary remedy to be employed sparingly in the interests of finality and conservation of scarce judicial resources." *U.S. Bank Nat'l Ass'n v. Triaxx Asset Mgmt. LLC*, 352 F. Supp. 3d 242, 246 (S.D.N.Y. 2019) (citation omitted). "The standard for granting such a motion is strict, and the moving party must point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *Shrader v. CSX Transp. Inc.*, 70 F.3d 255, 256-57 (2d Cir. 1995) (observing that the standard for granting motions for reconsideration is "strict"); *see also United States v. Aronshtein*, No. 11 Cr. 121-2 (GBD) (S.D.N.Y. Aug. 10, 2020) (noting that the standard for a motion for reconsideration is the same under Local Criminal Rule 49.1 as in civil cases). "The major grounds justifying reconsideration are an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." *Virgin Atlantic Airways, Ltd. v. Nat'l Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992) (internal citation omitted).

The Court denied Mr. Barnes' motion primarily on the grounds that compassionate release would not be appropriate under the standards set forward in 18 U.S.C. § 3553(a). Dkt. No. 80. Mr. Barnes has not set forth any new facts that the Court did not already consider that would change that conclusion. Mr. Barnes committed a serious offense; the reduced sentence that compassionate release would effectively confer would not be sufficient to reflect the seriousness of his offense, promote respect for the law, or provide just punishment for his offense. The Court also considered the other factors set forth in Section 3553(a). Mr. Barnes indicates that he has been afflicted by Covid-19 and that the virus is in the building and the floor where he resides. Dkt. No. 85. The Court previously assumed that extraordinary and compelling reasons exist that would permit Mr. Barnes' release. Thus, these facts do not change the Court's prior conclusion.

SO ORDERED.

Dated: January 19, 2021
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge